

**BOARD OF COUNTY COMMISSIONERS**

**NOVEMBER 28, 2006**

A regular meeting of the Board of County Commissioners was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Commissioner D'Aprile, Commissioner Cummings, Commissioner Duffy, Commissioner Moore, and Commissioner Loftus. Also in attendance were County Administrator Loucks, County Attorney Knowlton, Chief Deputy Board Services White, Executive Assistant Blair, and Minutes Supervisor Nice. The following members were absent: None. The meeting was called to order at **9:00 AM**.

Invocation was given by Pastor David Weiss, Cleveland Baptist Church followed by the Pledge of Allegiance.

**ELECTION OF CHAIRMAN AND VICE CHAIRMAN**

(Chairman Moore relinquished the gavel to County Attorney Knowlton.) Attorney Knowlton opened the floor for nominations for Chairman. **COMMISSIONER MOORE NOMINATED COMMISSIONER D'APRILE FOR CHAIRMAN.** Attorney Knowlton requested a second to the motion and discussion. **COMMISSIONER CUMMINGS SECONDED THE MOTION.** Commissioner Cummings stated he was prepared to support whoever was nominated. Commissioner Cummings suggested Commissioners D'Aprile and Loftus serve as Chairman and Vice Chairman this year as a basis for rotation with Vice Chairman moving into the Chairman position next year followed by Commissioner Duffy as Vice Chairman next year on a rotation pursuant to subsequent district numbers. Commissioner Cummings asked for Commissioner D'Aprile's preference. Commissioner D'Aprile accepted the nomination based on six years experience on the Board. Commissioner Duffy asked for an explanation of the process. Attorney Knowlton summarized the procedures. **COMMISSIONER DUFFY NOMINATED COMMISSIONER LOFTUS FOR CHAIRMAN, SECONDED BY COMMISSIONER CUMMINGS.** Attorney Knowlton called for motions and votes on the nominations starting with

**Commissioner D'Aprile. COMMISSIONER MOORE MOVED FOR APPROVAL FOR COMMISSIONER D'APRILE AS CHAIRMAN. Commissioner D'Aprile** stated he is uncomfortable with the split in the Board. **Commissioner Duffy** opined it was not her intent to cause a rift and Board Members should work together as a team. **COMMISSIONER D'APRILE DECLINED.** Attorney Knowlton requested a motion for **Commissioner Loftus** to serve as Chairman. **COMMISSIONER CUMMINGS MOVED APPROVAL FOR COMMISSIONER LOFTUS AS CHAIRMAN, SECONDED BY COMMISSIONER DUFFY AND DECLARED UNANIMOUS.** Attorney Knowlton opened the floor for nominations for Vice Chairman. **CHAIRMAN LOFTUS NOMINATED COMMISSIONER DUFFY, SECONDED BY COMMISSIONER CUMMINGS.** Commissioner Cummings suggested the rotation commence. **CALL ON THE MOTION FOR VICE CHAIRMAN: DECLARED UNANIMOUS.** (Attorney Knowlton announced the selections and relinquished the gavel to **Chairman Loftus.**) Attorney Knowlton requested direction on amending the Board's Rules for rotation. **Commissioners Cummings and Duffy and Chairman Loftus** expressed support for rotation. **Commissioner Moore** opposed rotation.

A regular meeting of the Board of County Commissioner was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Commissioner D'Aprile, Commissioner Cummings, Commissioner Duffy, Commissioner Moore, and Chairman Loftus. Also in attendance were County Administrator Loucks, County Attorney Knowlton, Chief Deputy Board Services White, Executive Assistant Blair, and Minutes Supervisor Nice. The following members were absent: None.

#### Changes to the Agenda

**COMMISSIONER MOORE MOVED TO APPROVE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER CUMMINGS.**  
**Motion Carried 5:0.**

Addition #1, Regular Agenda Item Z-6, Appoint Mr. Michael D. Brown to the Deep Creek Non-Urban Street & Drainage Unit Advisory Committee. This term replaces the expired term of Gilbert L. Johnson, effective immediately and will expire July 8, 2009 as requested by the Commission Office.

Addition #2, Regular Agenda Item Z-7, Consideration of Commissioner Cummings' Petition for Reimbursement / Advancement of Legal Fees arising from Complaint No. 06-252, Florida Commission on Ethics as requested by the County Attorney's Office.

Addition #3, Regular Agenda Item Z-8, a) Award Bid # 07-004, Courthouse Rehabilitation, to Lodge Construction, Inc., of Fort Myers, Florida, at the negotiated project cost of \$5,617,000; b) Approve a 10% owner's contingency; c) Approve Budget Transfer #07-006 in the amount of \$939,900; and d) Approve CIP Amendment #07-C02 in the amount of \$939,900 as requested by General Services.

Addition #4, Committee Vacancies, Information on - Deep Creek Non-Urban Street & Drainage Unit Advisory Committee - is seeking one volunteer who must own property and live within the unit. This term will be effective immediately and expire in January 2009 as requested by the Commission Office.

Addition #5, Regular Agenda Item Z-9, Public Hearing continuation from November 21, 2006, Land Use Meeting - Based on the research and analysis conducted by the Planning and Zoning Department, staff requests that the Board review and adopt the Proportionate Fair-Share Ordinance in accordance with Florida Statute 163.3180(16) as requested by Community Development.

Addition #6, Regular Agenda Item Z-10, Proposed BCC Special Board Workshops concerning Evaluation and Appraisal Reports (EARs) in Room 119 on Wednesday, December 6, 2006 from 1:30 pm to 5:00 pm (topics to be selected later); Tuesday, December 12, 2006, from 2:00 pm to 5:00 pm (topics to be selected later) as part of Regular BCC meeting; and Friday, December 15, 2006 from 9:00 a.m. to 1:00 pm (topics to be selected later) as requested by Community Development.

Special Recognition

Proclamations

**COMMISSIONER CUMMINGS MOVED TO APPROVE PROCLAMATION FOR CHARLOTTE COUNTY CHAMBER OF COMMERCE CHRISTMAS PARADE DAY ON DECEMBER 2, 2006, SECONDED BY COMMISSIONER MOORE.**

**Motion Carried 5:0.**

Julie Mathis, Charlotte County Chamber of Commerce Executive Director, accepted the Proclamation and invited everyone to attend.

**COMMISSIONER D'APRILE MOVED TO APPROVE PROCLAMATION FOR EL JOBEAN COMMUNITY CHRISTMAS PARADE AND FESTIVITIES DAY ON DECEMBER 9, 2006, SECONDED BY COMMISSIONER MOORE.**

**Motion Carried 5:0.**

James Marshall, El Jobean Community League President, accepted the Proclamation and invited everyone to attend.

**COMMISSIONER MOORE MOVED TO APPROVE PROCLAMATION FOR THE LOVE OF KIDS DAY ON DECEMBER 11, 2006, SECONDED BY COMMISSIONER CUMMINGS.**

**Motion Carried 5:0.**

V. Frank Desguin accepted the Proclamation and thanked all volunteers for their continued support. Raymond Spence, Love of Kids Publicity Representative, recognized Mr. Desguin's efforts over the last 21 years for the kids of Charlotte County by presenting him with a Certificate of Appreciation and cleaning apparatus in Frank's Cleaning Bucket.

**COMMISSIONER D'APRILE MOVED TO APPROVE PROCLAMATION FOR PEARL HARBOR REMEMBRANCE DAY ON DECEMBER 7, 2006, SECONDED BY COMMISSIONER MOORE.**

**Motion Carried 5:0.**

A member from VFW Post 1074, Rotonda West, accepted the Pearl Harbor Proclamation.

**COMMISSIONER D'APRILE MOVED TO APPROVE PROCLAMATION SHOP CHARLOTTE MONTH FROM NOVEMBER 24 THROUGH DECEMBER 24, 2006, SECONDED BY COMMISSIONER MOORE.  
Motion Carried 5:0.**

Terri Ashley, Charlotte County Chamber of Commerce President Elect, accepted the Proclamation.

Commissioner D'Aprile presented Commissioner Moore with a plaque for his service as Chairman. Commissioner Moore accepted the plaque with appreciation.

**Employee Recognition - None**

**Presentations - None**

**I. CITIZEN INPUT - AGENDA ITEMS ONLY**

Kevin Graham, Charlotte County Family YMCA President, accompanied by numerous children and volunteers, estimated the child care facility would be operational in 12 to 18 months if the Board approves the plans that cost \$90,000 and are about 70% complete whereas the other two other options would create delays as much as three years as a result of required renovations to the old EMS facility or moving to a new location with a buy-out on a lease. Mr. Graham urged the Board to make the best decision for the children of Charlotte County and get them out of portables that have utilized over the last 27 months.

Paul Versnik, Charlotte County YMCA Chief Executive Officer, commented on meetings with staff and Board Members to resolve rebuilding the child care facility; stated the facility should have been the first project completed after the hurricanes; 95 children are being served in temporary trailers, walkways, and playgrounds; a permanent facility is needed; the existing lease agreement between the County and YMCA expires in 2038; and the quickest and most economical way is to rebuild on the current site.

Bibi Ullah, YMCA Branch Director, recalled changes since Hurricane Charley; stated this project went away with the

death of Michael Sheridan; and commented on difficulties with providing care for children in portables and the necessity of getting a permanent care facility.

Joanna Bostwick stated she has one child and another one on the way who will attend the YMCA facility, expressed concerns about children and volunteers in portables and the lack of space, and requested Board approval.

Halima Portillo stated her child attends the YMCA child care facility and asked the Board allow the new facility be built on the Edgewater Drive site and, if not, the County should provide another site.

Tammy Klootwyck stated she has had three children at the YMCA and Franz Ross Park facilities, commented on the need for a permanent facility for safety and security of the children and volunteers, and the County can do a lot better for the children.

Sandi Morreale indicated she has two children in the YMCA child care program, commented on her wonderful experiences with YMCA staff, and asked that a permanent building be provided.

Judith Sheridan stated the YMCA children need a permanent more secured facility to protect them through another storm and asked that the YMCA be allowed to rebuild on the site in memory of her husband.

An unidentified man who recently moved from Sarasota indicated North Port does not have this type of facility, stated the YMCA provides quality care for his two children, and the children and volunteers deserve a permanent facility sooner than later.

Patti Stanislas, on behalf of CRAFT, commented in protest to the award of Agenda L-9 due to current legal cases against Bovis and requested the Board's decision be delayed until additional review of all information is conducted.

Suzanne Graham, a lot owner on Solomon Drive, commented on Agenda Item T-1 by expressing uncertainty how this property

can be purchased for the Winchester South Corridor project when the HCP still has not been approved.

James Marshall, Historical Advisory Committee Chairman, commented on the lack of notice regarding the Courthouse renovation even though this is a great project, and commented in support of moving ahead.

Randy Spence commented on Agenda Item Z-4 by relating some of his experiences with the YMCA before and after his military time and strongly urged the Board to consider what is best for the children of Charlotte County who will be the future leaders of tomorrow.

**Commissioner Cummings** requested a point of personal privilege to allow the children and YMCA staff to have a photograph taken before the Board. **Chairman Loftus** expressed no objection and a photograph was taken.

## II. COMMITTEE VACANCIES

Charlotte County is seeking volunteers to serve on the following Committees:

Gardens of Gulf Cove Street and Drainage Advisory Committee - is seeking six volunteers to serve on the advisory committee, five regular members and one alternate member. All members shall be residents of the Unit. The terms of each of the five regular members shall be chosen by lot number at the first scheduled meeting of the advisory committee. The term of the alternate member shall be for two years.

Gulf Cove Street and Drainage Advisory Committee - is seeking one volunteer to serve a three year term.

Lemon Bay Street and Drainage Advisory Committee - is seeking six volunteers to serve on the advisory committee, five regular members and one alternate member. All members shall be residents of the Unit. The terms of each of the five regular members shall be chosen by lot number at the first scheduled meeting of the advisory committee. The term of the alternate member shall be for two years.

*Manasota Key Street and Drainage Advisory Committee - is seeking six volunteers to serve on the advisory committee, five regular members and one alternate member. All members shall be residents of the Unit. The terms of each of the five regular members shall be chosen by lot number at the first scheduled meeting of the advisory committee. The term of the alternate member shall be for two years.*

*Manasota/Sandpiper Key Advisory Committee - is seeking two volunteers to represent the "at-large" community, and one volunteer to represent the South Manasota Key Association, for a three year term.*

*South Gulf Cove Waterway Advisory Committee - is seeking six volunteers to serve on the advisory committee, five regular members and one alternate member. All members shall be residents of the Unit. The terms of each of the five regular members shall be chosen by lot number at the first scheduled meeting of the advisory committee. The term of the alternate member shall be for two years.*

*Beaches & Shores Advisory Committee - is seeking one volunteer as Members-at-Large and one volunteer to represent District #5, for a total of two volunteers. These are four-year terms that are effective December 31, 2006 and will expire on December 31, 2010.*

*Environmentally Sensitive Lands Oversight Committee - is seeking seven volunteers who are residents and electors of the County to serve as members of the committee. Two members with expertise in business, real estate or land development, three members with expertise relating to environment or in one of the natural sciences; and two members representing civic, charitable or homeowners groups or recreational users of lands or other community interests. The terms for each member will be pulled by lot number at the first scheduled meeting.*

*Harbor Heights Street and Drainage Unit Advisory Board - is seeking six volunteers to serve on the advisory board, five regular members and one alternate member. All members shall be residents of the Unit. The terms of each of the*

five regular members shall be chosen by lot number at the first scheduled meeting of the advisory committee. The term of the alternate member shall be for two years.

Deep Creek Non-Urban Street & Drainage Unit Advisory Committee - is seeking one volunteer who must own property and live within the Unit. This term will be effective immediately and expired in January 2009.

**III. REPORTS RECEIVED AND FILED**

Quarterly & Year End Report - September 30, 2006

**COMMISSIONER CUMMINGS MOVED TO APPROVE TAKING AGENDA ITEM Z-4 OUT OF ORDER, SECONDED BY COMMISSIONER MOORE.  
Motion Carried 5:0.**

**V. REGULAR AGENDA**

**Z. Regular Business**

Z-4, ECONOMIC DEVELOPMENT - RECOMMENDED ACTION: Direct staff on the future use of County owned property at 22425 Edgewater Drive, which includes the following uses: 1.53 acres leased to the Charlotte County YMCA, the Fire/EMS Headquarters, and the Edgewater Community Park. BUDGETED ACTION: None

Debrah Forester gave a slide presentation on the YMCA Proposed Site Plan and summarized Options 1 to rebuild on the current site fronting Edgewater Drive with additional land for parking, use remaining insurance and FEMA funds to rebuild the daycare with construction started prior to Fire/EMS staff vacating the premises; 2 to develop a new long-term lease with the YMCA to remain on the existing site with a new building to accommodate the extra space and additional land for parking; and 3 to end the lease with the YMCA, provide the remaining insurance funds, and offer the appropriate site as surplus for sale through an open bid process. Ms. Forrester recommended Option 2 and stated \$277,000 currently available from insurance funds may increase and an additional \$120,000 may be available from FEMA for hardening of the YMCA structure.

**Commissioner Cummings** asked if the YMCA has been using some of the parking area for the Fire/EMS facility. Mr. Versnik advised some parking for staff and vehicles was utilized prior to the hurricane. **Commissioner Cummings** stated he does not have strong feelings about rebuilding or using the Fire/EMS facility for the YMCA but expressed concern about available land for the additional parking. Mr. Versnik explained the main entrance would be off of Bayshore to make it safer for the children, expressed concern about the delay to commence construction after Fire/EMS staff moves next summer to the new Public Safety building at the Airport as well as the life cycle of the Fire/EMS facility since it is 40 years old, and advised the construction drawings by Rowe Architects are 70% completed. **Commissioner Cummings** suggested the YMCA work with staff on an agreement for continuing shared parking. Mr. Versnik recalled a shared use agreement exists for the Dotzler property that renews in September of each year and either party may terminate the agreement and pointed out a 30-day vacate clause is in the current agreement. **Commissioner D'Aprile** requested the acreage of the Fire/EMS building. Ms. Forester stated about two acres including parking up to Edgewater, Fire/EMS is scheduled to move out in June 2007 but construction of the second building could be started prior to that move, and the site is sufficient for two buildings and a park. **Commissioner D'Aprile** concluded this would expedite the project for the YMCA. Ms. Forester stated about \$90,000 has been expended and \$300,000 to \$500,000 from insurance funds should be available for the YMCA facility. **Commissioner D'Aprile** questioned the limitation of using the funds for a new structure versus renovation of the Fire/EMS facility. Andrew Baker stated there is no restriction as long as it is used for the YMCA. **Commissioner D'Aprile** stated the monies would better be utilized to customize a building for the YMCA child care facility.

**Commissioner Moore** requested the amount from insurance. Mr. Baker reported \$379,000 and staff is still trying to maximize the insurance settlement. **Commissioner Moore** expressed concern about the probability of a significant funding shortfall and asked for clarification of the request. Mr. Versnik enumerated the specific

requests for the YMCA: to rebuild the child care center at 22425 Edgewater Drive; the County release the remaining \$277,208 of insurance proceeds to the YMCA; the \$121,693 the County received from FEMA and the State for mitigation also be turned over to the YMCA; the plans designed by Rowe Architects that are about 70% done for the rebuild be turned over to the YMCA; the current lease that expires in 2038 be amended to eliminate the 30-day notice to release any portion of the leased premises back to the County; the the term of the lease be amended to 49 years commencing at the date the amended lease is signed; and an additional 20 parking spaces. Mr. Baker explained the restricted usage of the monies received from FEMA and State for mitigation purposes and \$277,000 is currently available plus anticipated funds from FEMA and the State.

**COMMISSIONER DUFFY MOVED TO APPROVE THE SEVEN ITEMS REQUESTED BY THE YMCA, SECONDED BY COMMISSIONER CUMMINGS.**

Mr. Loucks expressed concern about extending the lease for 99 years. Mr. Forrester clarified the lease extension requested is 49 years. Mr. Loucks suggested consideration be given to use of the site in conjunction with the Charlotte Harbor CRA plan. **Commissioner Cummings** recalled a policy decision to promote the YMCA child care facility and now a decision needs to be made to move forward. **Commissioner Cummings** questioned use of the proceeds from the land sale to provide a more cost effective facility within the same timeline or offset costs of another site. Mr. Loucks stated that is a decision for the Board. **Commissioner Cummings** questioned the time line for rebuilding the 9,000 square foot facility. Andrew Baker estimated almost the same time line with Options 1 and 2. Mr. Versnik expressed concern about renovating the Fire/EMS building and estimated 12 to 18 months with rebuilding the facility on the current site. Mr. Baker stated Fire/EMS is scheduled to be in the new facility on June 1, 2007. **Commissioner Cummings** stated he has not heard that the renovation will delay moving of the entire YMCA back into permanent quarters. Mr. Baker estimated about 12 months to complete the plans and building. Mr. Versnik stated, hopefully, the YMCA would take over control of the project including the plans and putting the construction out to

bid. **Commissioner Cummings** requested the market value. Paul Payette estimated \$10.00 per square foot on the 1.50 acres or about \$700,000.

**Commissioner D'Aprile** opposed Option 1. **Chairman Loftus** pointed out that Option 2 would provide the additional parking spaces. Attorney Knowlton clarified the motion to amend the current lease versus staff's recommendation to enter into a new lease. Mr. Versnik expressed concerns about the time frame, the life cycle of the Fire/EMS building, and the cost of the renovations, and estimated about \$400,000 to \$500,000 to build the second building.

**Motion Failed 1:4.**

**Commissioner D'Aprile, Commissioner Cummings, Commissioner Moore, and Chairman Loftus opposing.**

**COMMISSIONER D'APRILE MOVED TO APPROVE OPTION 2 AND FOR THE YMCA AND COUNTY STAFF TO WORK TOGETHER TO EXPEDITE THE PROJECT, SECONDED BY COMMISSIONER MOORE.**

**Motion Carried 4:1. Commissioner Duffy opposing.**

**RECESS: 10:35 AM - 10:45 AM**

**VI. PUBLIC HEARING AGENDA**

**10:00 A.M.**

(1) Public Works - **RECOMMENDED ACTION:** Consider an Ordinance creating an advisory board for the Charlotte Ranchettes Street and Drainage MSBU. **BUDGETED ACTION:** Recording fees of approximately \$44 are available in the Charlotte Ranchettes Streets and Drainage MSBU.

Thomas O'Kane explained the purpose of the public hearing is to establish an advisory board for the Charlotte Ranchettes Street and Drainage MSBU and Dan Gallagher and Dawn Harrison are present for questions.

**COMMISSIONER CUMMINGS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DUFFY.**

**Motion Carried 5:0.**

**COMMISSIONER D'APRILE MOVED TO APPROVE ORDINANCE 2006-098, SECONDED BY COMMISSIONER CUMMINGS.**

**Motion Carried 5:0.**

(2) Public Works - RECOMMENDED ACTION: Consider an Ordinance creating an advisory board for the Greater Port Charlotte Street and Drainage MSBU. BUDGETED ACTION: Recording fees of approximately \$44 are available in the Greater Port Charlotte Streets and Drainage MSBU.

Mr. O'Kane explained the purpose.

**COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE.**

**Motion Carried 5:0.**

**COMMISSIONER D'APRILE MOVED TO APPROVE ORDINANCE 2006-099, SECONDED BY COMMISSIONER DUFFY.**

**Motion Carried 5:0.**

(3) Public Works - RECOMMENDED ACTION: Consider an Ordinance creating an advisory board for the Harbour Heights Waterway Maintenance District. BUDGETED ACTION: Recording fees of approximately \$44 are available in the Harbour Heights Waterway MSBU.

Mr. O'Kane set out the purpose.

**COMMISSIONER CUMMINGS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE.**

**Motion Carried 5:0.**

**COMMISSIONER D'APRILE MOVED TO APPROVE ORDINANCE 2006-100, SECONDED BY COMMISSIONER DUFFY.**

**Motion Carried 5:0.**

(4) Public Works - RECOMMENDED ACTION: Consider an Ordinance creating an advisory board for the South Gulf Cove Street and Drainage MSTU. BUDGETED ACTION: Recording fees of approximately \$44 are available in the South Gulf Cove Street and Drainage MSTU.

Mr. O'Kane reported the purpose.

**COMMISSIONER MOORE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE.**

**Motion Carried 5:0.**

**COMMISSIONER D'APRILE MOVED TO APPROVE ORDINANCE 2006-101, SECONDED BY COMMISSIONER MOORE.**

**Motion Carried 5:0.**

(5) County Attorney - *RECOMMENDED ACTION*: Conduct a first Public Hearing on November 28, 2006, at 10:00 am or as soon thereafter as may be heard to consider an ordinance amending the Charlotte County Occupational License Tax ordinance. Florida law requires two public hearings when counties amend their occupational license tax ordinances. The final public hearing for this ordinance will be scheduled for 10:00 am at the December 12, 2006, meeting of the Board of County Commissioners. This proposed ordinance does not make any changes to the fee schedule currently in effect. *BUDGETED ACTION*: None

Attorney Gallagher stated this is the first of two public hearings based on changes made by the Florida State Legislature with the name change of the certification and requirement for local governments to change terminology of the name to the Local Business license and the next public hearing will be on December 12, 2006.

**COMMISSIONER MOORE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE.**

**Motion Carried 5:0.**

(6) County Attorney - *RECOMMENDED ACTION*: Conduct a Public Hearing at 10:00 AM, or as soon thereafter as can be heard, to consider a Resolution exempting Charlotte County from the new law that would allow All-Terrain Vehicles (ATV) to be used on unpaved roads in the County. *BUDGETED ACTION*: None

Attorney Knowlton explained the new law enacted on October 1, 2006 allows the operation of ATV's during day time hours by licensed drivers or by minors under the supervision of licensed drivers on unpaved roadways with posted speed limits less than 35 mph; the purpose of this hearing is to

consider a resolution to exempt the County from the new law; and prohibit the use of ATVs on unpaved roads in the County; and a representative from the Sheriff's Office is present. **Chairman Loftus** opened the public hearing. John Sockwell encouraged the Board to exempt the County from the new law due to safety hazards and road damage. Charlotte Ventola stated the use of ATVs on any roads are accidents waiting to happen and the County should opt out. Joe Fleming encouraged the Board to opt out of the new law and suggested the Board consider designating a specific area for the use of ATVs in order to protect wildlife and habitats.

**COMMISSIONER D'APRILE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER MOORE.**  
**Motion Carried 5:0.**

**Commissioner Cummings** read the second whereas in the resolution and questioned how many of the County's unpaved roadways have posted speed limits and the availability of Sheriff's Office staff for enforcement. Mark Farrell, Major, stated most unpaved roads are posted at 30 mph but, if not posted, then the speed limit is considered to be 30 mpg as required by Florida Statutes; ATV's are not designed to be operated on roadways with other vehicles or by minors; and there are no standards to enforce the supervision of minors.

**COMMISSIONER CUMMINGS MOVED TO APPROVE RESOLUTION 2006-213, SECONDED BY COMMISSIONER MOORE.**  
**Motion Carried 5:0.**

**Commissioner D'Aprile** requested the number of complaints regarding ATVs. Major Farrell stated the Sheriff's Office record keeping system does not differentiate between ATVs and motorcycles; based on his experience, most complaints stem from reckless driving and excessive noise; and open space and unpopulated areas are utilized more by ATVs than Mid-County. **Commissioner D'Aprile** requested enforcement procedures. Major Farrell stated the County is prohibiting the use of ATVs whereas the new law allows the operation of ATVs on roadways.

IV. CONSENT AGENDA

COMMISSIONER CUMMINGS MOVED TO APPROVE THE CONSENT AGENDA EXCEPT AGENDA ITEMS L-9 AND T-1, SECONDED BY COMMISSIONER D'APRILE.

Motion Carried 5:0.

A. Finance Division

(1) RECOMMENDED ACTION: Approve Clerk's Memoranda:  
Memorandum #1 - Status of Contingency Reserves - FY 05/06  
Memorandum #1A - Status of Contingency Reserves - FY 06/07  
Memorandum #2 - Total Disbursement for the period November 7 through 20, 2006 in the amount of \$10,316,663.07 BUDGETED ACTION: None

B. Minutes Division

(1) RECOMMENDED ACTION: Approve Minutes for September 14, 2006, 5:01 p.m. Budget Public Hearing September 19, 2006, 9:00 a.m. Land Use Public Hearings BUDGETED ACTION: None

C. Commission Office

(1) RECOMMENDED ACTION: Appoint Mr. Fred Z. Stiteler to the Deep Creek Non-Urban Street & Drainage Unit Advisory Committee. This two-year term is effective immediately and will expire in November 2008. BUDGETED ACTION: None

D. Administration - No Items

E. County Attorney

(1) RECOMMENDED ACTION: Set an Executive Session for November 28, 2006 at 2:00 pm, or as soon thereafter as possible, in the County Attorney's Conference Room, to discuss litigation strategy and settlement negotiations in the lawsuit captioned American Invest v. Charlotte County Board of County Commissioners; Case No. 06-2041-CA.

F. Budget Office

(1) RECOMMENDED ACTION: Set a Public Hearing on December 12, 2006 at 10:00 or soon thereafter to adopt an Ordinance to update the Five Year Capital Improvements Program (CIP) for FY2006/2007 through FY 2010/2011. BUDGETED ACTION: Various funds - 5 year CIP total is \$951,171,000.

(2) RECOMMENDED ACTION: a) Approve Budget Amendments Attachment A for \$72,326,223; and b) Approve Budget Transfers Attachment B for \$4,730,272. The amendments and transfers impact various funds and are required to complete Fiscal Year 2005/2006 budget closing process. BUDGETED ACTION: None

(3) RECOMMENDED ACTION: Set a Public Hearing for December 12, 2006, at 10:00 am, or as soon thereafter as may be heard, to adopt a Resolution of Intent to use the uniform method of collection of non-ad valorem assessments for the Rotonda Villas Water, Reuse and Wastewater MSBU, the Charlotte Harbor CRA Wastewater MSBU, the Ackerman Waterway MSBU, and the Northwest Port Charlotte Waterway MSBU. BUDGETED ACTION: None

#### G. Community Development

(1) RECOMMENDED ACTION: Approve the DRC-PD-98-1(MM)3 Major Modification Resolution permitting Community Blue Heron Pines Joint Venture to develop the Blue Heron Pines-North Parcel. BUDGETED ACTION: None

#### **Resolution 2006-214**

#### H. Economic Development

(1) RECOMMENDED ACTION: a) Approve and authorize the Chairman to sign the amended Cooperative Funding Agreement between the Southwest Florida Water Management District and Charlotte County for the Charlotte Harbor Redevelopment Area Watershed Management Plan; and b) Approve allocation of \$125,000 in Tax Increment Revenues from fund 1059 (Charlotte Harbor CRA) as match required for this grant. BUDGETED ACTION: None

#### **First Amendment to Agreement 2006-012**

(2) *RECOMMENDED ACTION*: Set a Public Hearing for December 12, 2006, at 10:00 am, or soon thereafter as may be heard to consider an amendment to the Economic Incentive Ordinance to provide that applicants who enter into an economic incentive program agreement with Charlotte County will be entitled to receive those economic incentive rates in effect at the time the program agreement is approved by the Board of County Commissioners. *BUDGETED ACTION*: None

J. Environmental Services - No items

K. Facilities Construction and Maintenance

(1) *RECOMMENDED ACTION*: a) Approve Budget Amendment # 07-A04 in the amount of \$168,223 for Hazard Mitigation Grant Program 75% reimbursement; and b) Approve and authorize the Chairman to sign the contracts issued by the Division of Emergency Management for specific hazard mitigation to the listed facilities to help provide the funds to protect window and door openings with Kevlar netting and hurricane shutters on each of the facilities listed. The County will be reimbursed 75% of the project cost, with grants totaling \$225,884 from the Hazard Mitigation Grant Program through the Florida Department of Community Affairs Division of Emergency Management. *BUDGETED ACTION*: Budget Amendment #07-A04 in the amount of \$168,223 for Hazard Mitigation Grant Program 75% reimbursement. Funds are available in the General Fund and Fire/Rescue Fund through various accounts. The facilities, contracts and project cost are as follows: Airport Road Annex - \$8,311, CARE Center - \$3,310, Fire/EMS Station #10 - \$16,205, Fire/EMS Station #13 - \$16,205, Sports Park - \$7,673, So. Punta Gorda Heights Civic Association - \$37,120, Fire/EMS Station #2 - \$22,555, Fire/EMS Station #9 - \$8,750, Fire/EMS Station #14 - \$16,205, Medical Examiner's Facility - \$6,915, Tringali Community Center & Gym - \$21,867, Fire/EMS Station #3 - \$51,096, Fire/EMS Station #4 - \$9,808.

**Grant 2006-061 - Airport Road Annex - \$8,311; Grant 2006-062 - CARE Center - \$3,310; Grant 2006-063 - Fire/EMS Station #10 - \$16,205; Grant 2006-064 - Fire/EMS Station #13 - \$16,205; Grant 2006-065 - Sports Park - \$7,673; Grant**

2006-066 - So. Punta Gorda Heights Civic Association - \$37,120; Grant 2006-067 - Fire/EMS Station #2 - \$22,555; Grant 2006-068 - Fire/EMS Station #9 - \$8,750; Grant 2006-069 - Fire/EMS Station #14 - \$16,205; Grant 2006-070 - Medical Examiner's Facility - \$6,915; Grant 2006-071 - Tringali Community Center & Gym - \$21,867; Grant 2006-072 - Fire/EMS Station #3 - \$51,096; and Grant 2006-073 - Fire/EMS Station #4 - \$9,808

L. General Services

(1) RECOMMENDED ACTION: Approve Award #06-276, Wastewater Lift Station Rehabilitation, Work Order #42, to Contract #05-042, Engineers of Record, with Stantec Consulting Services for \$356,180. BUDGETED ACTION: Budgeted amount \$360,000 in CIP c350603 Wastewater Lift Stations.

(2) RECOMMENDED ACTION: a) Approve the Piggyback of File #07-134, to purchase one (1) 105 Hp Boom Mower and Contract Options from Kelly Tractor, of Fort Myers, Florida, ("Piggyback" off Florida Sheriff's Contract #06-14-0821, Specification #55) for \$129,079; and b) Approve the purchase of non-contract options in the amount of \$6,741, for a total contract amount of \$135,820. BUDGETED ACTION: FY07 budget is available in the Transportation Trust Fund. Funding is supplied from gas taxes.

(3) RECOMMENDED ACTION: a) Approve negotiations for Request Proposal #07-041, CEI Services - West County Sidewalks, with the first-ranked firm, American Consulting Engineers of Florida, LLC, of Port Charlotte; and b) Authorize the Chairman to sign the contract after negotiations have been completed, provided the fees do not exceed \$125,000. BUDGETED ACTION: FY07 budget of \$125,000 available in the 2002 Sales Tax Extension Fund. CIP project Sidewalks/Schools and Missing Links from the 2002 Sales Tax Extension Fund.

(4) RECOMMENDED ACTION: Award File #06-390, RESOURCES MASTER PLAN, Work Order #52, Phase I, to Contract #05-042, Engineers of Record, with Parsons, Brinkerhoff, Quade and Douglas, Inc. in the amount of \$51,611. BUDGETED ACTION: Budgeted Amount \$60,000 in CIP c330601 Future Water Supply.

(5) **RECOMMENDED ACTION:** Approve to enter into negotiations on Bid #07-001, Youth Center Fire Suppression System with the sole responsive, responsible bidder, WFL Properties, Inc., of Fort Myers, to secure the services of a licensed, qualified contractor to furnish all labor, services and materials necessary for the supply and installation of a complete, functional fire alarm and sprinkler system at the Youth Center. **BUDGETED ACTION:** Budgeted Amount for the Fire Suppression System at the Youth Center in FY07 is \$150,000.

(6) **RECOMMENDED ACTION:** Approve Award Bid #07-026, West County Sidewalks, to General Contracting Services, Inc., of Placida, Florida, for the total cost of \$1,276,872.35, to secure the services of a professional, licensed, and qualified contractor for the construction of sidewalks located in Charlotte County on Spinnaker Boulevard (Butterford Waterway to Rebel Court), Coliseum Boulevard (Willmington to Xavier), Willmington Boulevard (Coliseum to David), and Gulfstream Boulevard (Mamouth to SR 776). The combined total length of sidewalk is approximately 16,500 lineal feet. **BUDGETED ACTION:** The FY07 budget has \$1,300,000 available for this contract in the 2002 Sales Tax Extension fund. CIP project c410301, Sidewalks/Schools and Missing Links.

(7) **RECOMMENDED ACTION:** Approve the "Piggyback" of file #07-129, to purchase two (2) Ambulance Units, from American LaFrance, LLC, of Sanford, Florida ("Piggyback" off the Florida Fire Chiefs Association, Florida Sheriffs Association & Florida Association of Counties Bid #05-06-0823) for a total cost of \$328,746.94, to purchase Emergency Medical Units on an as required basis. **BUDGETED ACTION:** \$350,000 is budgeted for FY06/07.

(8) **RECOMMENDED ACTION:** a) Approve Award RFP 06-332, Comprehensive Protected Self-Insurance Program-Third Party Administration Services, to The Alliance (Unisource Administrators and the Florida League of Cities) for the period from January 1, 2007 up to and including September 30, 2009, with option to renew for two additional one-year terms at the terms and conditions; and b) Authorize the

Administrator to approve two additional one-year renewals for a comprehensive program of self-insurance to cover third party administration services for the County's workers' compensation, property and liability exposures. BUDGETED ACTION: Budgeted Amount is \$169,000.

(9) RECOMMENDED ACTION: a) Approve start of negotiations for RFP #07-011, Charlotte County Jail Expansion/Renovation, Construction Manager at Risk, with top ranked firm Bovis Lend Lease; and b) Authorize the Chairman to sign pre-construction portion of the Contract providing it does not exceed \$500,000 for construction management services in the expansion and renovation of the Charlotte County Jail. BUDGETED ACTION: Budget Amount in FY07 is \$44,871,000, in CIP Jail Expansion.

**Commissioner D'Aprile** expressed concern about the allegations made by the citizen. Kimberly Corbett advised Bovus and Matthews Taylor were not a legal joint venture at the time of submission and the Committee's vote was based solely on Bovus Lend Lease; Matthews Taylor was considered as a subconsultant and given no local preference; staff requested a revised signature page from Bovus that was submitted on October 20, 2006; expressed unawareness of the litigation mentioned by the citizen; and reported staff and the Committee still stand behind the recommendation.

**COMMISSIONER D'APRILE MOVED TO APPROVE AGENDA ITEM L-9, SECONDED BY COMMISSIONER MOORE.**  
**Motion Carried 5:0.**

M. Human Resources - No items

N. Human Services - No items

P. Information Technology - No items

Q. Parks, Recreation & Cultural Resources - No items

R. Public Safety - No items

S. Public Works

(1) RECOMMENDED ACTION: Set a Public Hearing for December 12, 2006, at 10:00 am, or as soon thereafter as may be heard, to consider an Ordinance creating an advisory board for the Farabee Road Street and Drainage MSBU, as requested by the residents. BUDGETED ACTION: Recording fees of approximately \$44 are available in the Farabee Road Street and Drainage MSBU. Funding supplied from the Farabee Road Street and Drainage MSBU.

(2) RECOMMENDED ACTION: Set a Public Hearing for December 12, 2006, at 10:00 a.m. or as soon thereafter as may be heard, to consider an Ordinance creating an advisory board for the Northwest Port Charlotte Street and Drainage MSBU as requested by the residents. BUDGETED ACTION: Recording fees of approximately \$44 are available in the Northwest Port Charlotte Street and Drainage MSBU. Funding supplied from the Northwest Port Charlotte Street and Drainage MSBU.

(3) RECOMMENDED ACTION: Set a Public Hearing for December 12, 2006, 10:00 a.m., or as soon thereafter as may be heard, to consider an Ordinance creating an advisory board of the Rotonda West Street and Drainage MSBU as requested by residents. BUDGETED ACTION: Recording fees of approximately \$44 are available in the Rotonda West Street and Drainage MSBU. Funding supplied from the Rotonda West Street and Drainage MSBU.

(4) RECOMMENDED ACTION: Set a Public Hearing for December 12, 2006, 10:00 a.m., or as soon thereafter as may be heard, to consider an Ordinance creating an advisory board for the Town Estates Street and Drainage MSBU as requested by residents. BUDGETED ACTION: Recording fees of approximately \$44 are available in the Town Estates Street and Drainage MSBU. Funding supplied from the Town Estates Street and Drainage MSBU.

(5) RECOMMENDED ACTION: Set a Public Hearing for 10:00 a.m., or as soon thereafter as may be heard, for December 12, 2006, to consider amending the purpose of the Boca Grande Street and Drainage MSBU Ordinance to include control of exotic animals. BUDGETED ACTION: Recording fees of approximately \$44 are available in the Boca Grande

Streets and Drainage MSBU. Funding is supplied from the Boca Grande Streets and Drainage MSBU.

T. Real Estate Services

(1) *RECOMMENDED ACTION*: Approve an Agreement for Purchase and Sale of Real Property for the Mitigation property required for the Winchester South Corridor project. The property identified consists of 16.7 acres made up of platted lots and other parcels of real property sufficient in size and environmental characteristics to qualify for Florida Scrub-Jay mitigation purposes for the road project. This Agreement also calls for the County to grant an easement to the seller across County land. This easement will provide the seller with access to the future Winchester South Roadway. *BUDGETED ACTION*: None

**Commissioner D'Aprile** requested clarification of the difference between the Solomon and Winchester purchases. Paul Payette explained the Winchester South project is a County project whereas the Solomon Road project was initiated as a result of the property owners asking that the road be paved but it was not feasible with the increase in property values. **Commissioner D'Aprile** recalled the Solomon Road purchase price was over inflated and expressed concern about what the County versus the public for a private project might do in this instance. Mr. Loucks recalled assessments became very high and there was not a consensus from the residents to continue, if the funding issue and land acquisition issues are resolved, the the next step is permitting.

**COMMISSIONER D'APRILE MOVED TO APPROVE AGENDA ITEM T-1, SECONDED BY COMMISSIONER CUMMINGS.  
Motion Carried 5:0.**

V. Tourism Development - No items

W. Utilities

(1) *RECOMMENDED ACTION*: Set a Board Workshop on Tuesday, January 9, 2007 at 3:00 p.m., at the Environmental Campus to present to the Board of County Commissioners an overview

of Charlotte County Utilities operations, goals and strategies. BUDGETED ACTION: None

(2) RECOMMENDED ACTION: Approve Cooperative Funding Agreements between the Southwest Florida Water Management District and Charlotte County Utilities for five projects as required each year with the Southwest Florida Water Management District to continue funding for projects approved in previous years and to request new and additional funding on project scopes, funding requirements and date timeline for the projects. BUDGETED ACTION: None

X. Building Construction Services - No items

Y. Constitutional - No items

**V. REGULAR AGENDA**

Z. Regular Agenda

Z-1, BUDGET - RECOMMENDED ACTION: Approve a Resolution authorizing the Charlotte County Industrial Development Authority to issue revenue bonds, the proceeds of which will be loaned to Town and Country Utilities Company to finance water and wastewater facilities to serve the Babcock Ranch area located in Charlotte County, Florida (the "County"). BUDGETED ACTION: None

Attorney Gallagher explained the purpose of the resolution is to authorize the Industrial Development Authority (IDA) to issue revenue bonds and the proceeds are to be loaned to Town and Country Utilities to finance water and wastewater facilities to serve the portion of Babcock Ranch located within the County. Tom Giblin, Bond Counsel for the Board and the IDA, explained the approval process, the required public hearing was held with no one expressing support or opposition, the project and financing were approved by the IDA, the resolution will approve the financing for tax purposes, and no regulatory or land use approvals are necessary.

**COMMISSIONER CUMMINGS MOVED TO APPROVE RESOLUTION 2006-216, SECONDED BY COMMISSIONER D'APRILE.  
Motion Carried 5:0.**

Z-2, ADMINISTRATION - RECOMMENDED ACTION: Discuss and approve the 2007 State Legislative Agenda. The local delegation meeting has been tentatively scheduled for December 14th and the Board's Agenda is shared at that time. BUDGETED ACTION: None

Ms. Shoemaker pointed out the State Legislature priorities in the packet and introduced Representative David Bitner. **Commissioner Cummings** commented on the listed ad valorem taxes, pointed out gas taxes returned to counties were split 50/50 to the intermodal system and the local Metropolitan Planning Organization (MPO), now it is has been reduced to 25% and 75% of gas taxes paid by Charlotte County residents will be spent in other localities like Miami especially since the I-75 expansion has been put back in the 10 year plan, and the State took back gas taxes from the Aqui Esta project. **Commissioner Cummings** stated more money is needed to meet Charlotte County transportation needs, reported Charlotte County is one of 12 counties that exercise the maximum gas taxes, and the County is not being rewarded. **Commissioner Moore** asked for guidance from Representative Bitner on making this better. Representative Bitner commented on the need to identify a qualifying project and advised it will be a long-term fight even though there is some clout by our Southwest Florida representatives in Congress. **Commissioner Moore** requested an item be put on the list to provide more options for places that the Supervisor may hold elections. Representative Bitner recalled discussion on touch screen voting machines to allow for votes in various jurisdictions by marking the voting district. **Commissioner Moore** stated the recount in Charlotte County only had two changed votes on absentee paper ballots. **Commissioner Duffy** commented on the insurance crisis. Representative Bitner stated that appointments are to be made during special sessions in January 2007 and enumerated leaders with a republican majority in the House and the Senate remains the same; there will be a lot of new department heads with new rules for the House, Senate, and Governor; Representatives Grant and Kreegel were voted back in; commented on Ms. Shoemaker's leadership efforts as well as Cari Roth's efforts; and this is a work in progress based on input from

the Board. Ms. Shoemaker pointed out funding requests that are to be pursued with the State under the new system and the uncertainties of finding matches to fund the projects. **Commissioner Moore** stated the County is very fortunate in having this Legislative Delegation working for the County and the importance of the continuing this working relationship. **Commissioner Cummings** asked Representative Bitner for a forecast of the upcoming changes. **Commissioner D'Aprile** questioned the likelihood of establishing a tax cap for businesses in the community; suggested a 25% cap; and indicated concern about reduced taxes as a result of the passage of the increased homestead exemption. Representative Bitner expressed unawareness of any discussions regarding tax caps for businesses or major support from the business community for such a cap.

Z-3, ECONOMIC DEVELOPMENT - RECOMMENDED ACTION: Review and adopt the 2006 Work Plan for the Charlotte Harbor Community Redevelopment Agency. BUDGETED ACTION: None

Ms. Forester explained the need for review and approval of the Charlotte Harbor CRA work plan; gave a slide presentation that summarized priority projects; outlined Tax Increment Financing (TIF) projects in 2004 and 2005 with funding amounts; reviewed the 2006 proposed work plan; and requested the Board's support of the proposed work plan and return of funding to the General Fund; and explained top priorities criteria will be brought back to the Board if the work plan is approved. Ms. Forester stated a forgivable interest free loan (0% interest with payment if the property is sold or occupancy at 25 years) and suggested the loan be used for infrastructure e.g. wastewater or facade improvements. **Commissioner Moore** stated sewer hookups are estimated at \$9,000 to \$10,000 each and expressed support for a 0% interest rate loan and repayment when the property is sold; and the \$143,000 loan from the General Fund should be paid back next year. **Commissioner D'Aprile** commended Ms. Forester for all of her efforts. **Chairman Loftus** commended Ms. Forester for securing grant funds. Ms. Forester concluded the Board approved the proposed work plan.

**COMMISSIONER CUMMINGS MOVED TO APPROVE Z-3, ECONOMIC DEVELOPMENT - RECOMMENDED ACTION: REVIEW AND ADOPT THE 2006 WORK PLAN FOR THE CHARLOTTE HARBOR COMMUNITY REDEVELOPMENT AGENCY. BUDGETED ACTION: NONE, SECONDED BY COMMISSIONER D'APRILE.**

**Motion Carried 5:0.**

Z-5, HUMAN SERVICES - RECOMMENDED ACTION: a) Approve to reaffirm three elected officials: Frank Desquin, Larry Friedman and Alleen Miller to the Community Action Agency Advisory Board (CAAAB); and b) Appoint one County Commissioner to CAAAB to replace the membership of Commissioner Devos; and c) Reappoint three members: Bonnie Holbach, Susan Flores and Sali Perry to serve on the CAAAB from the Business/Private sector; and d) Appoint one new member, Kim Gaut, Executive Director of the Hearing Impaired Persons of Charlotte County to replace Carol Moyer, retired Executive Director of the Hearing Impaired Persons to serve on CAAAB from the Business/Private sector. BUDGETED ACTION: None

Ms. Carpenter explained the four actions requested by staff. **Commissioner Cummings** asked if any Board Members are interested in replacing **Commissioner Devos**. **Commissioner Duffy** expressed an interest.

**COMMISSIONER CUMMINGS MOVED TO APPROVE STAFF RECOMMENDATIONS AND THE APPOINTMENT OF COMMISSIONER DUFFY TO REPLACE COMMISSIONER DEVOS, SECONDED BY COMMISSIONER D'APRILE.**

**Motion Carried 5:0.**

Z-6, COMMISSION OFFICE - Appoint Mr. Michael D. Brown to the Deep Creek Non-Urban Street & Drainage Unit Advisory Committee. This term replaces the expired term of Gilbert L. Johnson, effective immediately and will expire July 8, 2009.

**COMMISSIONER CUMMINGS MOVED TO APPROVE Z-6, COMMISSION OFFICE - APPOINT MR. MICHAEL D. BROWN TO THE DEEP CREEK NON-URBAN STREET & DRAINAGE UNIT ADVISORY COMMITTEE. THIS TERM REPLACES THE EXPIRED TERM OF GILBERT L. JOHNSON,**

**EFFECTIVE IMMEDIATELY AND WILL EXPIRE JULY 8, 2009, SECONDED BY COMMISSIONER D'APRILE.**  
**Motion Carried 5:0.**

Z-7, COUNTY ATTORNEY - Consideration of Commissioner Cummings' Petition for Reimbursement/Advancement of Legal Fees arising from Complaint No. 06-252, Florida Commission on Ethics.

Attorney Knowlton explained the lawsuit and the need for the Board to find that a hardship exists for payment and that the lawsuit was as a result of **Commissioner Cummings'** actions as a Board Member. **Commissioner Cummings** recused himself.

**COMMISSIONER MOORE MOVED TO APPROVE THE FINDING OF HARDSHIP FOR PAYMENT, THE LAWSUIT WAS A RESULT OF ACTIONS AS A BOARD MEMBER, AND ADVANCEMENT OF THE LEGAL FEES, SECONDED BY COMMISSIONER D'APRILE.**

**Motion Carried 4:0.**

Z-8, GENERAL SERVICES - (a) Award Bid #07-004, Courthouse Rehabilitation, to Lodge Construction, Inc., of Fort Myers, Florida, at the negotiated project cost of \$5,617,000; (b) Approve a 10% owner's contingency; (c) Approve Budget Transfer #07-006 in the amount of \$939,900; and (d) Approve CIP Amendment #07-C02 in the amount of \$939,900.

Mrs. Corbett stated a reduction of \$959,000 was renegotiated and recommended award of the bid to Lodge Construction as set out in (a), (b), and (c).

**COMMISSIONER D'APRILE MOVED TO APPROVE Z-8, GENERAL SERVICES - (A) AWARD BID #07-004, COURTHOUSE REHABILITATION, TO LODGE CONSTRUCTION, INC., OF FORT MYERS, FLORIDA, AT THE NEGOTIATED PROJECT COST OF \$5,617,000; (B) APPROVE A 10% OWNER'S CONTINGENCY; (C) APPROVE BUDGET TRANSFER #07-006 IN THE AMOUNT OF \$939,900; AND (D) APPROVE CIP AMENDMENT #07-C02 IN THE AMOUNT OF \$939,900, SECONDED BY COMMISSIONER MOORE.**

**Motion Carried 5:0.**

Z-9, COMMUNITY DEVELOPMENT - Public Hearing continuation from November 21, 2006, Land Use Meeting - Based on the research and analysis conducted by the Planning and Zoning Department, staff requests that the Board review and adopt the Proportionate Fair-Share Ordinance in accordance with Florida Statute 163.3180(16).

Nicole Dozier explained the purpose of the ordinance and it is being brought back based on input from the Board. **Commissioner D'Aprile** opposed the ordinance even though it is required by the State.

**COMMISSIONER MOORE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER D'APRILE.**  
**Motion Carried 5:0.**

**Commissioner Cummings** stated the Board does not have an option, the State is requiring implementation even though the State is forcing the County to spend more money and taking more money away. **Commissioner Moore** questioned how the Board can pass this when the County has a shortfall of \$100 million for roads. Mr. Loucks stated this will be difficult for all counties; under the Evaluation and Appraisal Reports (EAR) and the Comprehensive Plan, there will be reductions in roadway levels of service. Mr. Loucks explained two options exist including the Local Option Sales Tax and it may be necessary to use property taxes to pay for road improvements and stated within 10 years there will be a hugh problem with implementation of growth management directives. **Commissioner Cummings** recalled the \$14 billion estimate years ago to meet road infrastructure needs and the \$3 million reduction due to implementation of commercial nodes in residential areas and stated the Charlotte County does not have an option.

**COMMISSIONER CUMMINGS MOVED TO APPROVE ORDINANCE 2006-102, SECONDED BY COMMISSIONER MOORE.**  
**Motion Carried 4:1. Commissioner D'Aprile opposing.**

Z-10, COMMUNITY DEVELOPMENT - Proposed BCC Special Board Workshops in Room 119 on Wednesday, December 6, 2006 from 1:30 pm to 5:00 pm (topics to be selected later); Tuesday, December 12, 2006, from 2:00 pm to 5:00 pm (topics to be

selected later) as part of Regular BCC meeting; and Friday, December 15, 2006 from 9:00 a.m. to 1:00 pm (topics to be selected later).

Mr. Konefal explained the necessity for scheduling workshops relative to the EARS and Comprehensive Plan amendments.

**COMMISSIONER MOORE MOVED TO APPROVE Z-10, COMMUNITY DEVELOPMENT - PROPOSED BCC SPECIAL BOARD WORKSHOPS IN ROOM 119 ON WEDNESDAY, DECEMBER 6, 2006 FROM 1:30 PM TO 5:00 PM (TOPICS TO BE SELECTED LATER); TUESDAY, DECEMBER 12, 2006, FROM 2:00 PM TO 5:00 PM (TOPICS TO BE SELECTED LATER) AS PART OF REGULAR BCC MEETING; AND FRIDAY, DECEMBER 15, 2006 FROM 9:00 A.M. TO 1:00 PM (TOPICS TO BE SELECTED LATER), SECONDED BY COMMISSIONER D'APRILE.**

**Motion Carried 5:0.**

**VII. PRESENTATION AGENDA - No items**

**VIII. PUBLIC WORKSHOP AGENDA - No items**

**IX. BOARD WORKSHOP AGENDA - No items**

**X. CITIZEN INPUT - ANY SUBJECT - None**

**AA. County Administrator**

Mr. Loucks indicated the status update on the County becoming an exclusive provider of the Water Authority will be brought back on December 12, 2006. Julie Morris explained the Environmentally Sensitive Lands Program was established through a bond program approved by referendum on November 7, 2006, updated the Board on the efforts of the Natural Resources staff to implement the program, including advertising for members to serve on the Conservation Oversight Committee, educational programs, and defining the process for a County-wide tax for 2008 with short-term borrowing prior to bonding. **Commissioner Cummings** acknowledged Ms. Morris' efforts regarding the informational campaign.

**BB. County Attorney**

Attorney Knowlton reminded the Board of the 2:00 PM Executive Session.

**CC. Commissioner Comments**

**Commissioner Moore** expressed dissatisfaction with not having an agreement for the next Water Authority meeting. **Commissioner Duffy** commended Community Development staff, outside developers, and attorneys who are reviewing amendments to the Comprehensive Plan; opined developers and attorneys desire broader amendments whereas staff desires more restrictive amendments to save time and trouble in the future; and requested Board input. **Commissioner Moore** stated the meetings have gone very well but he has concern that staff is setting policy instead of the Board. **Chairman Loftus** expressed the hope that staff and the Board will continue to work together in the coming year.

**MEETING ADJOURNED: 12:20 PM.**

Signature on file in Commission Minutes  
Chairman Loftus

**ATTEST:**

**BARBARA T. SCOTT, CLERK  
OF THE CIRCUIT COURT AND  
EX-OFFICIO TO THE BOARD  
OF COUNTY COMMISSIONERS**

By: Signature on file in Commission Minutes  
Deputy Clerk

djn